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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,585	01/08/2002	Olfa Chetay	Q67992	1441

7590 09/29/2004  
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Washington, DC 20037-3213

EXAMINER

LAU, TUNG S

ART UNIT PAPER NUMBER

2863

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/038,585

Applicant(s)

CHETAY ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Drzewiecki (U.S. Patent 6,305,212).

Regarding claim 1:

Drzewiecki discloses a method of monitoring the proportion of a component in a gaseous mixture having at least two components (abstract) and contained in an electrical switchgear enclosure (fig. 5a, unit 25, 16), said method consisting in measuring the pressure, the temperature, and the density of the gas mixture using at least one sensor (abstract, fig. 11a, unit 125, 126, 127) and determining said proportion by processing the measured values in a data-processing unit, so as to enable the mixture to be monitored non-intrusively (fig. 5a, unit 25, 16, fig. 3).

Regarding claim 12:

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Drzewiecki discloses a system for monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical switchgear enclosure, including at least one sensor mounted on said enclosure for measuring the pressure (abstract, fig. 5a, unit 25, 16), the temperature (fig. 9b, unit 81), and the density of the gas mixture (fig. 9b, unit 86); and a data processing unit for processing the measured values (fig. 5a, unit 13, abstract), so as to enable the mixture to be monitored non-intrusively (abstract, fig. 5a, unit 25, 16).

Regarding claim 13:

Drzewiecki discloses a system for monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical switchgear enclosure, comprising first means mounted on said enclosure for measuring the pressure (abstract, fig. 5a, unit 25, 16), the temperature (fig. 9b, unit 81), and the density of the gas mixture (fig. 9b, unit 86); and second means for processing the measured values (fig. 5a, unit 23), so as to enable the mixture to be monitored non-intrusively (abstract, fig. 5a, unit 25, 16).

Regarding claims 2, 3, 7, 8, 9, 4, 5, 6, 10, 11:

Drzewiecki also disclose a method in which said proportion of a component in the mixture is calculated by the data-processing unit which is programmed to solve the thermodynamic state equations of said components (fig. 9b, unit 81-88); A method in which said proportion of a component in the mixture is determined by

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the data-processing unit which stores a data table in a memory (fig. 5a, unit 13, Col. 5, table 1, Col. 31, table 2), said data table containing a plurality of data items representative of various proportions of said component in correspondence with data items representative of various measurements of the pressure, of the temperature, and of the density of the gas mixture containing said component (Col. 5, table 1, Col. 31, table 2), the data process is a computer (fig. 5a, unit 13). Electrical switchgear provided with an enclosure containing a mixture of at least two dielectric gases under pressure, wherein the proportions of the dielectric gases in the mixture are determined by implementing method (fig. 3, 4, 8); wherein the density is measure by means of a vibrating-blade sensor (fig. 6, capillary, orifice pressure drop); wherein the density is measure by means of capacitor whose capacitance is a function of the permittivity of the gas mixture (Col. 29, Lines 34-50, fig. 8, 7a, 7b, 7c); wherein the density is measure by means of an interferometer (Col. 2-4, Lines 38-4); gas component of N<sub>2</sub> (fig. 7c) and SF<sub>6</sub> or C<sub>6</sub>F<sub>6</sub> (Col. 1, Lines 20-27); running algorithms in the data-processing unit for correcting errors and drift specific to said least one sensor (Col. 12-13, Lines 37-18).

### ***Response to Arguments***

2. Applicant's arguments filed 9/10/2004 have been fully considered but they are persuasive, the final action on 11-18-2003 is withdrawn.

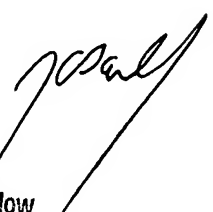
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Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

  
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